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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिस से कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 30th December, 1969/Pausa 9, 1891 (Saka)

The following Act of Parliament received the assent of the President on the 29th December, 1969, and is hereby published for general information:—

THE MOTOR VEHICLES (AMENDMENT) ACT, 1969

No. 56 OF 1969.

[29*th December*, 1969]

An Act further to amend the Motor Vehicles Act, 1939.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Motor Vehicles (Amendment) Act, 1969.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act.

Amendment of section 2.

2. In section 2 of the Motor Vehicles Act, 1939 (hereinafter referred to as the principal Act), 4 of 1939.—

(*a*) clause (*1*) shall be re-numbered as clause (*1B*), and before clause (*1B*) as so re-numbered, the following clauses shall be inserted, namely:—

'(*1*) "area", in relation to any provision of this Act, means such area as the State Government may, having regard to the requirements of that provision, specify by notification in the Official Gazette;

(*1A*) "articulated vehicle" means a tractor to which a trailer is attached in such a manner that a part of the trailer is super-imposed on, and a part of the weight of the trailer is borne by, the tractor;';

(*b*) in clause (*3*), for the words "fixed or agreed rate or sum and from one point to another without stopping to pick up", the following words, brackets and figures shall be substituted, namely:—

"fixed or agreed rate or sum—

(*i*) on a time basis whether or not with reference to any route or distance, or

(*ii*) from one point to another, and in either case without stopping to pick up";

(*c*) in clause (*9*), for the figures "8,200", the figures "11,000" shall be substituted;

(*d*) in clause (*13*), for the figures "3,000", the figures "4,000" shall be substituted;

(*e*) for clause (*17*), the following clause shall be substituted, namely:—

'(*17*) "motor cycle" means a two-wheeled motor vehicle, the unladen weight of which, inclusive of the unladen weight of any detachable side car, having an extra wheel, attached to motor vehicle, does not exceed 600 kilograms;';

(*f*) after clause (*28*), the following clause shall be inserted, namely:—

'(*28A*) "route" means a line of travel which specifies the highway which may be traversed by a motor vehicle between one terminus and another;';

(*g*) after clause (*29*), the following clause shall be inserted, namely:—

'(*29A*) "tourist vehicle" means a contract carriage constructed or adapted and equipped and maintained in accordance with such specifications as the State Government may, by notification in the Official Gazette, specify in this behalf;'.

Amendment of section 3.

3. In section 3 of the principal Act, after sub-section (*2*), the following sub-section shall be inserted, namely:—

"(*3*) Notwithstanding anything contained in sub-section (*1*), a person who holds an effective driving licence authorising him to drive a motor car may drive any motor cab hired by him for his own use.".

4. In section 7 of the principal Act, for sub-section (*1*), the following sub-section shall be substituted, namely:—

Amendment of section 7.

"(*1*) Any person who is not disqualified under section 4 for driving a motor vehicle and who is not for the time being disqualified for holding or obtaining a driving licence may apply to the licensing authority having jurisdiction in the area—

(*i*) in which he ordinarily resides or carries on business, or

(*ii*) in which the school or establishment where he is receiving or has received instruction in driving a motor vehicle is situate, or

(*iii*) if the application is for a driving licence to drive as a paid employee, in which the employer resides or carries on business,

for the issue to him of a driving licence.".

5. In section 11 of the principal Act,—

(*a*) in sub-section (*1*), after the proviso. the following further proviso shall be added, namely:—

Amendment of section 11.

"Provided further that where the application is for the renewal of a licence to drive as a paid employee or to drive a transport vehicle or where in any other case the original licence was issued on production of a medical certificate, the same shall be accompanied by a fresh medical certificate in Form C as set forth in the First Schedule, signed by a registered medical practitioner, and the provisions of sub-section (*5*) of section 7 shall apply to every such case.";

(*b*) after sub-section (*3A*), the following sub-section shall be inserted, namely:—

"(*3B*) When the authority to whom an application for the renewal of a licence to drive as a paid employee or to drive a transport vehicle is made, is not the authority which issued the licence sought to be renewed, it may, for the purpose of deciding whether the application for such renewal may be granted, verify the antecedents of the applicant in such manner as may be prescribed and pending the verification, such authority may grant a provisional licence for such period or periods not exceeding six months in the aggregate, subject to the condition that every such provisional licence shall cease to be effective immediately on the renewal of the licence sought to be renewed, or, as the case may be, on the refusal to renew the licence, and

(*i*) where the application for renewal has been rejected, the fee paid shall be refunded to such extent and in such manner as may be prescribed,

(*ii*) where the application for renewal has not been rejected within the said period, the licence shall be renewed.".

Amendment of section 15.

6. In section 15 of the principal Act,—

(*a*) in sub-section (*1*), for the words "a driving licence", the words "any driving licence or a licence to drive a particular class or description of vehicle" shall be substituted;

(*b*) to sub-section (*2*), the following proviso shall be added, namely:—

"Provided that where the driving licence of a person authorises him to drive more than one class or description of motor vehicles and the order, made under sub-section (*1*), disqualifies him from driving any specified class or description of motor vehicles, the licensing authority shall endorse the disqualification upon the driving licence and return the same to the holder.".

Amendment of section 16.

7. In section 16 of the principal Act, in sub-section (*1*), for the words "a transport vehicle", the words "any transport vehicle or a transport vehicle of a particular class or description" shall be substituted.

8. In section 18 of the principal Act, after the words "cease to be effective", the words "to such extent and" shall be inserted. Amendment of section 18.

9. In section 21 of the principal Act, in sub-section (2),— Amendment of section 21.

(a) for clause (aa), the following clause shall be substituted, namely:—

"(aa) the minimum qualifications of persons to whom licences to drive transport vehicles are issued, the time within which such qualifications are to be acquired by persons holding immediately before the commencement of the Motor Vehicles (Amendment) Act, 1969, licences to drive transport vehicles, and the duties, functions and conduct of such persons;";

(b) in clause (dd), for the words "stage carriages or contract carriages", the words "transport vehicles" shall be substituted;

(c) in clause (i), after the words "for the instruction of drivers of motor vehicles", the brackets and words "(including the registration of such schools or establishments)" shall be inserted.

10. In section 25 of the principal Act, to sub-section (2), the following proviso shall be added, namely:— Amendment of section 25.

"Provided that where a motor vehicle so registered is a chassis to which a body has not been attached and the same is detained in a workshop beyond the said period of one month for being fitted with a body, the period may, on payment of such fees, if any, as may be prescribed, be extended by such further period or periods so, however, that the total period of such temporary registration may not exceed, in any case, three months.".

11. In section 27 of the principal Act, after the words "particulars of any previous registration of the vehicle", the words "or furnishes inaccurate particulars in the application for registration of such vehicle" shall be inserted. Amendment of section 27.

12. Section 29A of the principal Act shall be omitted. Omission of section 29A.

Insertion of new section 31A.

13. In the principal Act, after section 31, the following section shall be inserted, namely:—

Special provisions regarding motor vehicles subject to hire purchase agreement.

"31A. (1) Where an application for registration of a motor vehicle which is held under a hire-purchase agreement is made, the registering authority shall make an entry in the certificate of registration regarding the existence of the said agreement.

(2) When the ownership of any motor vehicle registered under this Chapter is transferred and the transferee enters into a hire-purchase agreement with any person, the registering authority shall, on receipt of an application from the parties to that agreement, make an entry as to the existence of such hire-purchase agreement in the certificate of registration.

(3) Any entry made under sub-section (1) or sub-section (2), may be cancelled by the registering authority on proof of the termination of the hire-purchase agreement by the parties concerned.

(4) No entry regarding the transfer of ownership of any motor vehicle which is held under a hire-purchase agreement shall be made in the certificate of registration except with the written consent of the person whose name has been specified in the certificate of registration as the person with whom the registered owner has entered into a hire-purchase agreement.

(5) Where the person whose name has been specified in the certificate of registration as the person with whom the registered owner has entered into a hire-purchase agreement, satisfies the registering authority that he has taken possession of the vehicle owing to the default of the registered owner under the provisions of the agreement and that the registered owner refuses to deliver the certificate of registration or has absconded, such authority may, after giving the registered owner an opportunity to make such representation as he may wish to make (by sending to him a notice by registered post acknowledgement due at his address entered in the certificate of registration) and notwithstanding that the certificate of registration is not produced before it, cancel the certificate and issue a duplicate thereof to the person aforesaid.

(6) The provisions of sub-sections (1) to (5) shall, so far as may be, apply to a motor vehicle which is subject to hypothecation as they apply to any motor vehicle which is held under a hire-purchase agreement.".

14. In section 36 of the principal Act, in sub-section (*3*), for the words "in excess of that", the words "different from that" shall be substituted. **Amendment of section 36.**

15. In section 38 of the principal Act, to sub-section (*2*), the following proviso shall be added, namely:— **Amendment of section 38.**

'Provided that this sub-section shall, in respect of a certificate of fitness relating to a new transport vehicle registered for the first time and not plying in hilly areas, have effect as if for the words "six months", the words "one year" were substituted.

Explanation.—In this sub-section, the expression "hilly areas" means such areas as the State Government may, having regard to the elevation and topography, by notification in the Official Gazette, declare to be hilly areas.'.

16. In section 41 of the principal Act, in sub-section (*2*),— **Amendment of section 41.**

(*a*) in clause (*e*), for the brackets and figure "(*3*)", the brackets and figure "(*2*)" shall be substituted;

(*b*) in clause (*f*), after the words "alteration of certificates of registration,", the words "for making or cancelling an endorsement in respect of an agreement of hire-purchase or hypothecation on a certificate of registration," shall be inserted.

17. In section 42 of the principal Act,— **Amendment of section 42.**

(*a*) in sub-section (*1*), after the words "any public place,", the brackets and words "(whether or not such vehicle is actually carrying any passenger or goods)" shall be inserted;

(*b*) in sub-section (*3*),—

(*i*) clause (*ee*) shall be omitted;

(*ii*) after clause (*f*), the following clause shall be inserted, namely:—

"(*ff*) to any transport vehicle used by a person who manufactures or deals in motor vehicles or builds bodies for attachment to chassis, solely for such purposes and in accordance with such conditions as the Central Government may, by notification in the Official Gazette, specify in this behalf;";

(*iii*) in clause (*i*), the words "except as may otherwise be prescribed," shall be omitted;

(*iv*) after clause (*i*), the following clauses shall be inserted, namely:—

"(*j*) subject to such conditions as the Central Government may, by notification in the Official Gazette, specify, to any transport vehicle purchased in one State and proceeding to a place, situated in any other State, without carrying any passenger or goods;

(*k*) to any transport vehicle which has been temporarily registered under section 25, while proceeding empty to any place for the purpose of registration of the vehicle under section 24;

(*l*) to any transport vehicle used for such purposes (other than plying for hire or reward) as the Central Government may, by notification in the Official Gazette, specify;

(*m*) to any transport vehicle which, owing to flood, earthquake or any other natural calamity, is required to be diverted through any other route, whether within or outside the State, with a view to enabling it to reach its destination; or

(*n*) to any transport vehicle while proceeding empty to any place for purpose of repair.".

Amendment of section 43.

18. In section 43 of the principal Act, in sub-section (*1*),—

(*a*) in sub-clause (*i*), after the words "the fixing of fares and freights", the brackets and words "(including the maximum and minimum in respect thereof)" shall be inserted;

(*b*) in sub-clause (*iii*), after the words "existing permits", the words, brackets and figures "are not renewed in pursuance of the provisions of sub-section (*1D*) of section 68F, or" shall be inserted.

Amendment of section 44.

19. In section 44 of the principal Act, in sub-section (*2*),—

(*a*) for the words "and such other officials and non-officials, not being less than two,", the words "and, in the case of a State Transport Authority, such other officials and non-officials, not being less than two, and, in the case of a Regional Transport Authority, such other persons (whether officials or not), not being less than two," shall be substituted;

(*b*) for the words "Provided that", the following shall be substituted, namely:—

"Provided that nothing in this section shall prevent any of the members of the State Transport Authority or the

Regional Transport Authority, as the case may be, to preside over a meeting of such Authority during the absence of the Chairman, notwithstanding that such member does not possess judicial experience:

Provided further that the State Government may—

(*i*) where it considers necessary or expedient so to do, constitute Regional Transport Authority for any region so as to consist of only one member who shall be an official with judicial experience;

(*ii*) by rules made in this behalf, provide for the transaction of business in the absence of the Chairman or any other member and specify the nature of business which, the circumstances under which, and the manner in which, business could be so transacted:

Provided also that".

Amendment of section 45.

20. Section 45 of the principal Act shall be re-numbered as sub-section (*1*) thereof, and after sub-section (*1*) as so re-numbered, the following sub-sections shall be inserted, namely:—

"(2) Notwithstanding anything contained in sub-section (*1*), the State Government may, by notification in the Official Gazette, direct that in the case of any vehicle or vehicles proposed to be used in two or more regions lying in different States, the application under that sub-section shall be made to the State Transport Authority of the region in which the applicant resides or has his principal place of business.

(*3*) Every applicant for the grant of a new permit under section 46 or section 54 shall deposit, by way of security, with his application an amount in such manner and at such rate not exceeding rupees two hundred per motor vehicle, as the State Government may, with reference to each class of vehicle, by notification in the Official Gazette, specify.

(*4*) The security furnished under sub-section (*3*) may be forfeited in whole or in part by the transport authority if it is satisfied that the application was made for the purpose of preventing the issue of a temporary permit under section 62 and the whole or part of it as has not been forfeited shall be refunded to the applicant, as soon as may be, after the disposal of the application:

Provided that no such forfeiture shall be made unless the transport authority has given the applicant a reasonable opportunity of being heard.".

Amendment of section 46.

21. In section 46 of the principal Act, in clause (*c*),—

(*a*) for the word "services", wherever it occurs, the word "trips" shall be substituted;

(*b*) the following *Explanation* shall be added at the end, namely:—

'*Explanation.*—For the purposes of this section, section 48 and section 57, "trip" means a single journey from one point to another, and every return journey shall be deemed to be a separate trip;'.

Amendment of section 48.

22. In section 48 of the principal Act,—

(*a*) sub-section (*2*) shall be omitted;

(*b*) in sub-section (*3*),—

(*i*) for clause (*i*), the following clauses shall be substituted, namely:—

"(*i*) that the vehicle or vehicles shall be used only in a specified area, or on a specified route or routes;

(*ia*) that the service or any specified part thereof shall be commenced with effect from a specified date;";

(*ii*) in clause (*ii*), for the words "services to be maintained", the words "trips to be provided" shall be substituted;

(*iii*) to clause (*xxi*), the following proviso shall be added, namely:—

"Provided that the conditions specified in pursuance of clause (*i*) shall not be varied so as to alter the distance covered by the original route by more than 24 kilometres, and any variation within such limits shall be made only after the Regional Transport Authority is satisfied that such variation will serve the public convenience and that it is not expedient to grant a separate permit in respect of the original route as so varied or any part thereof;".

Amendment of section 51.

23. In section 51 of the principal Act, in sub-section (*2*), after clause (*ii*), the following clause shall be inserted, namely:—

"(*iia*) the maximum number of passengers and the maximum weight of luggage that may be carried on any specified vehicle or on any vehicle of a specified type, either generally or on specified occasions or at specified times and seasons and the same is prominently marked on the vehicle;".

24. In section 57 of the principal Act, in sub-section (8), for the words "number of services above the specified maximum", the words "number of trips above the specified maximum or by altering the route covered by it" shall be substituted. Amendment of section 57.

25. In section 58 of the principal Act,— Amendment of section 58.

(a) in sub-section (2),—

(i) in clause (a) of the proviso, for the words "sixty days", the words "one hundred and twenty days" shall be substituted;

(ii) in clause (b) of the proviso, for the words "thirty days", the words "sixty days" shall be substituted;

(b) after sub-section (3), the following sub-section shall be inserted, namely:—

"(4) Where a permit has been renewed under this section after the expiry of the period thereof, such renewal shall have effect from the date of such expiry irrespective of whether or not a temporary permit has been granted under clause (d) of section 62, and where a temporary permit has been granted, the fee paid in respect of such temporary permit shall be refunded.".

26. In section 59 of the principal Act,— Amendment of section 59.

(a) in sub-section (2), for the words "replace by another vehicle of the same nature and capacity any vehicle covered by the permit", the words "replace any vehicle covered by the permit by any other vehicle of the same nature" shall be substituted;

(b) in sub-section (3),—

(i) in clause (a), for the words "permit relates", the words and figures "permit relates carry valid certificates of fitness issued under section 38 and" shall be substituted;

(ii) in clause (c), the words "maximum or minimum" shall be omitted;

(iii) in clause (d), for the word and figures "section 72", the words and figures "section 5 or section 72" shall be substituted.

27. In section 60 of the principal Act,— Amendment of section 60.

(a) after sub-section (1A), the following sub-section shall be inserted, namely:—

"(1B) The transport authority may exercise the powers conferred on it under sub-sections (1) and (1A) in relation

to a permit granted by any authority or person to whom power in this behalf has been delegated under sub-section (5) of section 44 as if the said permit was a permit granted by the transport authority.";

(*b*) after sub-section (*2*), the following sub-section shall be inserted, namely:—

"(*2A*) The powers exerciseable under sub-section (*1*) or sub-section (*1A*) (other than the power to cancel a permit) by the transport authority which granted the permit may be exercised by any authority or person to whom such powers have been delegated under sub-section (*5*) of section 44:

Provided that—

(*i*) no such authority or person shall pass an order suspending the permit for a period exceeding one month or reducing the period thereof by more than one month; and

(*ii*) any such order shall be placed within the said period of one month before the transport authority who may vacate the order or extend the said period of one month where it has not expired or cancel the permit or take action under sub-section (*3*), as it may deem fit.";

(*c*) after sub-section (*3*), the following sub-section shall be inserted, namely:—

"(*4*) The powers exerciseable by the transport authority under sub-section (*3*) may, where an appeal has been preferred under section 64, be exercised also by the appellate authority.".

Amendment of section 62.

28. Section 62 of the principal Act shall be re-numbered as sub-section (*1*) thereof, and after sub-section (*1*) as so re-numbered, the following sub-section shall be inserted, namely:—

"(*2*) Notwithstanding anything contained in sub-section (*1*), a temporary permit may be granted thereunder in respect of any route or area where—

(*i*) no permit could be issued under section 48 or section 51 or section 54 in respect of that route or area by reason of an order of a court or other competent authority restraining the issue of the same, for a period not exceeding the period for which the issue of the permit has been so restrained; or

(*ii*) as a result of the suspension by a court or other competent authority of the permit of any vehicle in respect of that route or area, there is no transport vehicle of the same class with a valid permit in respect of that route or area, or there is no adequate number of such vehicles in respect of that route or area, for a period not exceeding the period of such suspension:

Provided that the number of transport vehicles in respect of which the temporary permit is so granted shall not exceed the number of vehicles in respect of which the issue of a permit has been restrained or as the case may be, the permit has been suspended.".

Amendment of section 63.

29. In section 63 of the principal Act,—

(*a*) to sub-section (*1*), the following further proviso shall be added, namely:—

"Provided further that where both the starting point and the terminal point of a route are situate within the same State, but part of such route lies in any other State and the length of such part does not exceed sixteen kilometres, the permit shall be valid in the other State in respect of that part of the route which is in that other State notwithstanding that such permit has not been countersigned by the State Transport Authority or the Regional Transport Authority of that other State.";

(*b*) after sub-section (*1*), the following sub-section shall be inserted, namely:—

"(*1A*) Notwithstanding anything contained in sub-section (*1*), a permit granted or countersigned by a State Transport Authority shall be valid in the whole State or in such regions within the State as may be specified in the permit.";

(*c*) in the proviso to sub-section (*3*), after the words "arrived at between the States", the following shall be inserted, namely:—

"after complying with the requirements of sub-section (*3A*) or for the grant of counter-signatures of permits in pursuance of any direction issued by the Commission under clause (*c*) of sub-section (*2*) of section 63A";

(d) after sub-section (3), the following sub-section shall be inserted, namely:—

"(3A) Every proposal to enter into an agreement between the States referred to in the proviso to sub-section (3) and every proposal in such agreement to fix the number of permits which is proposed to be granted or counter-signed in respect of each route or area, shall be published by each of the State Governments concerned in the Official Gazette together with a notice of the date before which representations in connection therewith may be submitted, and the date, not being less than thirty days from the date of such publication, on which, and the authority by which, and the time and place at which, the proposal and any representations received in connection therewith will be considered:

Provided that no person, association or authority, other than those mentioned hereunder, shall have a right to make such representation, namely:—

(i) any person already providing passenger or goods transport facilities by any means in the proposed area or along or near the proposed route;

(ii) any association representing persons interested in the provision of road transport facilities recognised in this behalf by the State Government;

(iii) any local authority or police authority within whose jurisdiction any part of the proposed area or route lies.

(3B) Every agreement arrived at between the States shall, in so far as it relates to the grant of counter-signature of permits, be published in the Official Gazette by each of the State concerned and the State Transport Authority of the State and the Regional Transport Authority concerned shall give effect to it.";

(e) after sub-section (6), the following sub-sections shall be inserted, namely:—

"(7) Notwithstanding anything contained in sub-section (1) but subject to any rules that may be made under this Act, any State Transport Authority may, for the purpose of promoting tourism, grant in respect of tourist vehicles such number of permits valid for the whole or any part of India as the Central Government may, in respect of that

State, specify in this behalf, and the provisions of sections 49, 50, 51, 57, 58, 59, 59A, 60, 61 and 64 shall, as far as may be, apply in relation to such permits.

(*8*) Every applicant for a permit under sub-section (*7*) shall deposit, by way of security, in such manner and such amount, not exceeding rupees two thousand per motor vehicle, as the Central Government may with reference to each class of vehicle, by notification in the Official Gazette, specify, and such security shall be refunded wholly or in part to the applicant if his application for permit has not been granted, or, as the case may be, granted for a lesser number of vehicles than what was applied for.

(*9*) Any amount deposited by way of security under sub-section (*8*) may, at any time, be forfeited in whole or in part by the State Transport Authority if it is satisfied after making such inquiry as it thinks fit that—

(*a*) the permit was obtained by fraud or misrepresentation, or

(*b*) the holder of the permit has failed without reasonable cause to use the vehicle or vehicles for the purpose for which the permit was granted, or

(*c*) the holder of the permit has committed a breach of any condition of the permit, or

(*d*) the holder of the permit has used or caused it to be used in any manner not authorised by the permit:

Provided that no such forfeiture shall be made unless the State Transport Authority has given the permit-holder a reasonable opportunity of being heard.

(*10*) The following shall be conditions of every permit granted under sub-section (*7*), namely:—

(*i*) every motor vehicle in respect of which such permit is granted shall conform to such description, requirement regarding the seating capacity, standards of comforts, amenities and other matters, as the Central Government may specify in this behalf;

(*ii*) every such motor vehicle shall be driven by a person having such qualifications and satisfying such conditions as may be specified by the Central Government; and

(*iii*) such other conditions as may be prescribed by the Central Government.".

Amendment of section 63A.

30. In section 63A of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

"(*2A*) If any direction issued by the State Government under section 43 is repugnant to any direction made by the Commission under clause (*c*) of sub-section (2), then, the direction of the Commission, whether issued before or after the direction issued by the State Government, shall prevail and the direction made by the State Government shall, to the extent of the repugnancy, be of no effect.".

Insertion of new section 63BB.

31. After section 63B of the principal Act, the following section shall be inserted, namely:—

Appeal against decision, direction or order under section 63A.

"63BB. (*1*) Any person or authority (including Government) aggrieved by the decision, direction or order of the Commission under clause (*b*) or clause (*c*) or clause (*d*) or clause (*e*) of sub-section (*2*) of section 63A may, within sixty days from the date of the communication to him or it, of such decision, direction or order, as the case may be, appeal to the authority specified by the Central Government under clause (*h*) of section 63C, which shall decide the appeal after giving the person or the authority an opportunity of being heard and pass such order thereon as it may deem fit and such order shall be final:

Provided that the authority aforesaid may entertain an appeal after the expiry of the said period of sixty days if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

(*2*) Every appeal under sub-section (*1*) shall be preferred in such manner and accompanied by such fee as may be prescribed by the Central Government.".

Amendment of section 63C.

32. In section 63C of the principal Act, for clause (*h*), the following clause shall be substituted, namely:—

"(*h*) the authority to which, the manner in which and the fees on payment of which, an appeal against any decision, direction or order of the Commission may be preferred;".

33. Section 64 of the principal Act shall be re-numbered as sub-section (*1*) thereof, and— Amendment of section 64.

(*a*) in sub-section (*1*) as so re-numbered,—

(*i*) after clause (*h*), the following clause shall be inserted, namely:—

"(*hh*) aggrieved by an order of forfeiture passed under sub-section (*4*) of section 45 or under sub-section (*9*) of section 63, or";

(*ii*) for the words "the prescribed authority who shall give such person and the original authority an opportunity of being heard", the words, brackets and figure "the State Transport Appellate Tribunal constituted under sub-section (*2*), who shall, after giving such person and the original authority an opportunity of being heard, give a decision thereon which shall be final" shall be substituted;

(*b*) after sub-section (*1*) as so re-numbered, the following sub-sections and *Explanation* shall be inserted, namely:—

"(*2*) The State Government shall constitute for the State a State Transport Appellate Tribunal which shall consist of a whole-time judicial officer not below the rank of a District Judge:

Provided that in relation to a Union territory the Tribunal may consist of the Administrator of that territory or any officer who has judicial experience.

(*3*) Notwithstanding anything contained in sub-section (*1*) or sub-section (*2*), every appeal pending at the commencement of the Motor Vehicles (Amendment) Act, 1969, shall be proceeded with and disposed of as if that Act had not been passed.

Explanation.—For the removal of doubts, it is hereby declared that when any order is made by the State Transport Authority or the Regional Transport Authority in pursuance of a direction issued by the Commission under clause (c) of sub-section (*2*) of section 63A and any person feels aggrieved by such order on the ground that it is not in consonance with such direction, he may appeal under sub-section (*1*) to the State Transport Appellate Tribunal against such order but not against the direction so issued.".

Amendment of section 64A.

34. In section 64A of the principal Act,—

(*a*) for the words "State Transport Authority", wherever they occur, the words "State Transport Appellate Tribunal" shall be substituted;

(*b*) for the words "Regional Transport Authority", wherever they occur, the words "State Transport Authority or Regional Transport Authority" shall be substituted;

(*c*) after the words "as it deems fit", the words "and every such order shall be final" shall be inserted.

Amendment of section 65.

35. In section 65 of the principal Act, in sub-section (*1*),—

(*a*) in clause (*b*), for the words "nine hours", the words "eight hours" shall be substituted;

(*b*) in clause (*c*), for the words "fifty-four hours", the words "forty-eight hours" shall be substituted.

Insertion of new section 66A.

36. After section 66 of the principal Act, the following section shall be inserted, namely:—

Agent or canvasser to obtain licence.

"66A. (*1*) No person shall engage himself—

(*i*) as an agent or canvasser, in the sale of tickets for travel by public service vehicles or in otherwise soliciting custom for such vehicles, or

(*ii*) as an agent in the business of collecting, forwarding or distributing goods carried by public carriers,

unless he has obtained a licence from such authority and subject to such conditions as may be prescribed by the State Government.

(*2*) The conditions referred to in sub-section (*1*) may include all or any of the following matters, namely:—

(*a*) the period for which a licence may be granted or renewed;

(*b*) the fee payable for the issue or renewal of the licence;

(*c*) the deposit of security—

(*i*) of a sum not exceeding rupees five thousand in the case of an agent in the business of collecting, forwarding or distributing goods carried by public carriers.

(*ii*) of a sum not exceeding rupees five hundred in the case of any other agent or canvasser,

and the circumstances under which the security may be forfeited;

(*d*) the provision by the agent of insurance of goods in transit;

(*e*) the authority by which and the circumstances under which the licence may be suspended or revoked;

(*f*) such other conditions as may be prescribed by the State Government.".

Amendment of section 68.

37. In section 68 of the principal Act, in sub-section (2),—

(*a*) after clause (*a*), the following clause shall be inserted, namely:—

"(*aa*) the conduct of business by any such authority in the absence of any member (including the Chairman) thereof and the nature of business which, the circumstances under which and the manner in which, business could be so conducted;";

(*b*) after clause (*c*), the following clause shall be inserted, namely:—

"(*cc*) the manner in which and the time within which every application for a stage carriage permit or a public carrier's permit shall be published, as required by sub-section (3) of section 57, and the circumstances under which and the fees on payment of which copies of such applications may be granted;";

(c) in clause (*ww*), for the words "forwarding and distributing of", the words "or forwarding and distributing" shall be substituted.

Amendment of section 68A.

38. In section 68A of the principal Act, in clause (*b*),—

(*a*) sub-clause (*iii*) shall be omitted;

(*b*) in sub-clause (*iv*), for the words "the State Government", the words "the Central Government or one or more State Governments, or by the Central Government and one or more State Governments" shall be substituted.

Amendment of section 68D.

39. In section 68D of the principal Act, for sub-section (*1*), the following sub-section shall be substituted, namely:—

"(*1*) On the publication of any scheme in the Official Gazette and in not less than one newspaper in regional language circulating in the area or route which is proposed to be covered by such scheme,—

(*i*) any person already providing transport facilities by any means along or near the area or route proposed to be covered by the scheme;

(*ii*) any association representing persons interested in the provision of road transport facilities recognised in this behalf by the State Government; and

(*iii*) any local authority or police authority within whose jurisdiction any part of the area or route proposed to be covered by the scheme lies,

may, within thirty days from the date of its publication in the Official Gazette, file objections to it before the State Government.".

Amendment of section 68E.

40. Section 68E of the principal Act shall be re-numbered as sub-section (*1*) thereof, and—

(*i*) in sub-section (*1*) as so re-numbered, for the words "proposed to be modified as if the modification proposed were a separate scheme", the following shall be substituted, namely:—

"proposed to be cancelled or modified as if the proposal were a separate scheme:

Provided that the State Transport Undertaking may, with the previous approval of the State Government, modify without following the procedure laid down in section 68C and section 68D, any such scheme relating to any route or area in respect of which the road transport services are run and operated by the State Transport Undertaking to the complete exclusion of other persons in respect of the following matters, namely:—

(*a*) increase in the number of vehicles or the number of trips;

(*b*) change in the type of vehicles without reducing the seating capacity;

(*c*) extension of the route or area, without reducing the frequency of the service; or

(*d*) alteration of the time-table without reducing the frequency of the service";

(*ii*) after sub-section (*1*) as so re-numbered, the following sub-section shall be inserted, namely:—

"(*2*) Notwithstanding anything contained in sub-section (*1*), the State Government may, at any time, if it considers necessary in the public interest so to do, modify any

scheme published under sub-section (3) of section 68D, after giving,—

(*i*) the State Transport Undertaking, and

(*ii*) any other person who, in the opinion of the State Government, is likely to be affected by the proposed modification,

an opportunity of being heard in respect of the proposed modification.".

Amendment of section 68F.

41. In section 68F of the principal Act,—

(*a*) in sub-section (*1*),—

(*i*) for the words and figures "in the manner specified in Chapter IV", the words "in such manner as may be prescribed by the State Government in this behalf" shall be substituted;

(*ii*) for the words "Regional Transport Authority", the words "State Transport Authority in any case where the said area or route lies in more than one region and the Regional Transport Authority in any other case" shall be substituted;

(*b*) after sub-section (*1*), the following sub-sections shall be inserted, namely:—

"(*1A*) Where any scheme has been published by a State Transport Undertaking under section 68C that Undertaking may apply for a temporary permit, in respect of any area or route or portion thereof specified in the said scheme, for the period intervening between the date of publication of the scheme and the date of publication of the approved or modified scheme, and where such application is made, the State Transport Authority or the Regional Transport Authority, as the case may be, shall, if it is satisfied that it is necessary to increase, in the public interest, the number of vehicles operating in such area or route or portion thereof, issue the temporary permit prayed for by the State Transport Undertaking.

(*1B*) A temporary permit issued in pursuance of the provisions of sub-section (*1A*) shall be effective,—

(*i*) if the scheme is published under sub-section (*3*) of section 68D, until the grant of the permit to the State Transport Undertaking under sub-section (*1*), or

(*ii*) if the scheme is not published under sub-section (*3*) of section 68D, until the expiration of the one week

from the date on which the order under sub-section (*2*) of section 68D is made.

(*1C*) If no application for a temporary permit is made under sub-section (*1A*), the State Transport Authority or the Regional Transport Authority, as the case may be, may grant, subject to such conditions as it may think fit, temporary permit to any person in respect of the area or route or portion thereof specified in the scheme and the permit so granted shall cease to be effective on the issue of a permit to the State Transport Undertaking in respect of that area or route or portion thereof.

(*1D*) Save as otherwise provided in sub-section (*1A*) or sub-section (*1C*), no permit shall be granted or renewed during the period intervening between the date of publication, under section 68C of any scheme and the date of publication of the approved or modified scheme, in favour of any person for any class of road transport service in relation to an area or route or portion thereof covered by such scheme:

Provided that where the period of operation of a permit in relation to any area, route or portion thereof specified in a scheme published under section 68C expires after such publication, such permit may be renewed for a limited period, but the permit so renewed shall cease to be effective on the publication of the scheme under sub-section (*3*) of section 68D.";

(c) in sub-section (2),—

(*i*) for the words "the Regional Transport Authority", the words "the State Transport Authority or as the case may be, the Regional Transport Authority concerned" shall be substituted;

(*ii*) in clause (*a*), for the words "the renewal of any other permit", the words "the grant or renewal of any other permit or reject any such application as may be pending" shall be substituted;

(*d*) in sub-section (*3*), for the words "the Regional Transport Authority", the words "the State Transport Authority or any Regional Transport Authority" shall be substituted.

Insertion of new section 68 FF.

42. After section 68F of the principal Act, the following section shall be inserted, namely:—

"68FF. Where a scheme has been published under sub-section (3) of section 68D in respect of any notified area or notified route, the State Transport Authority or the Regional Transport Authority, as the case may be, shall not grant any permit except in accordance with the provisions of the scheme: Restriction on grant of permits in respect of a notified area or notified route.

Provided that where no application for a permit has been made by the State Transport Undertaking in respect of any notified area or notified route in pursuance of an approved scheme, the State Transport Authority or the Regional Transport Authority, as the case may be, may grant temporary permits to any person in respect of such notified area or notified route subject to the condition that such permit shall cease to be effective on the issue of a permit to the State Transport Undertaking in respect of that area or route.".

43. In section 68G of the principal Act, in sub-section (2), for the words "the Regional Transport Authority", the words "the State Transport Authority or the Regional Transport Authority, as the case may be," shall be substituted. Amendment of section 68G.

44. After section 68H of the principal Act, the following section shall be inserted, namely:— Insertion of new section 68HH.

"68HH. Where any article found in any transport vehicle operated by the State Transport Undertaking is not claimed by its owner within the prescribed period, the State Transport Undertaking may sell the article in the prescribed manner and the sale proceeds thereof, after deducting the costs incidental to sale, shall be paid to the owner on demand.". Disposal of articles found in vehicles.

45. In section 68I of the principal Act, in sub-section (2), after clause (c), the following clauses shall be inserted, namely:— Amendment of section 68I.

"(cc) the manner in which application under sub-section (*1*) of section 68F may be made;

(ccc) the period within which the owner may claim an article found left in any transport vehicle under section 68HH and the manner of sale of such article;".

46. In Chapter IVA of the principal Act, after section 68I, the following section shall be inserted, namely:— Insertion of new section 68J.

"68J. The powers conferred on the State Government under this Chapter shall, in relation to a corporation or company owned or controlled by the Central Government or by the Central Government and one or more State Governments, be Certain powers of State Government excise-

able by the Central Government.

exerciseable only by the Central Government in relation to an inter-State route or area.".

Insertion of new section 69A.

47. After section 69 of the principal Act, the following section shall be inserted, namely:—

Vehicles to have right hand control.

"69A. Every motor vehicle shall be so constructed as to have right hand steering control unless it is equipped with a mechanical or electrical signalling device of a prescribed nature.".

Amendment of section 79.

48. Section 79 of the principal Act shall be re-numbered as sub-section (*1*) thereof, and—

(*i*) in sub-section (*1*) as so re-numbered, after the words "driver of a motor vehicle", the words "with a right hand steering control" shall be inserted; and

(*ii*) after sub-section (*1*) as so re-numbered, the following sub-section shall be inserted, namely:—

"(*2*) In the case of a motor vehicle with a left hand steering control, the signal of an intention to turn to the right or left or to stop shall be given by a mechanical or an electrical device of a prescribed nature affixed to the vehicle:

Provided that Government may, having regard to the width and condition of the roads in any area or route, by notification in the Official Gazette, exempt, subject to such conditions as may be specified therein, any such motor vehicle or class of such motor vehicles from the operation of this sub-section for the purpose of plying in that area or route.".

Amendment of section 80.

49. To section 80 of the principal Act, the following proviso shall be added, namely:—

"Provided that Government may, having regard to the width and condition of the roads in any area or route, by notification in the Official Gazette, exempt, subject to such conditions as may be specified therein, any such motor vehicle or class of such motor vehicles from the operation of this section for the purpose of plying in that area or route.".

Amendment of section 89.

50. In section 89 of the principal Act, after the words "When any person is injured", the words "or any property of a third party is damaged," shall be inserted.

Amendment of section 92.

51. In section 92 of the principal Act, in sub-section (*1A*), the words "contiguous to it" shall be omitted.

52. In section 93 of the principal Act,—

Amendment of section 93.

(*i*) after clause (*b*), the following clause shall be inserted, namely:—

'(*bb*) "property" includes roads, bridges, culverts, causeways, trees, posts and mile-stones;';

(*ii*) after clause (*c*), the following clause shall be inserted, namely:—

'(*d*) "third party" includes the Government.'.

Amendment of section 94.

53. In section 94 of the principal Act, in sub-section (*3*), for the *Explanation*, the following *Explanation* shall be substituted, namely:—

"*Explanation.*—For the purposes of this sub-section, appropriate Government means the Central Government or the State Government, as the case may be, and—

(*i*) in relation to any corporation or company owned by the Central Government or any State Government, means the Central Government or that State Government;

(*ii*) in relation to any corporation or company owned by the Central Government and one or more State Governments, means the Central Government;

(*iii*) in relation to any other State Transport Undertaking or any local authority, means that Government which has control over that Undertaking or authority.".

Amendment of section 95.

54. In section 95 of the principal Act,—

(*a*) in sub-section (*1*),—

(*i*) for clause (*b*), the following clause shall be substituted, namely:—

"(*b*) insures the person or classes of persons specified in the policy to the extent specified in sub-section (*2*)—

(*i*) against any liability which may be incurred by him in respect of the death of or bodily injury to any person or damage to any property of a third party caused by or arising out of the use of the vehicle in a public place;

(*ii*) against the death of or bodily injury to any passenger of a public service vehicle caused by or arising out of the use of the vehicle in a public place;";

(*ii*) the following *Explanation* shall be added at the end, namely:—

"*Explanation*—For the removal of doubts, it is hereby declared that the death of or bodily injury to any person or damage to any property of a third party shall be deemed to have been caused by or to have arisen out of, the use of a vehicle in a public place notwithstanding that the person who is dead or injured or the property which is damaged was not in a public place at the time of the accident, if the act or omission which led to the accident occurred in a public place.";

(*b*) in sub-section (*2*),—

(*i*) in clause (*a*), for the word "twenty", the word "fifty" shall be substituted;

(*ii*) for clauses (*b*) and (*c*), the following clauses shall be substituted, namely:—

"(*b*) where the vehicle is a vehicle in which passengers are carried for hire or reward or by reason of or in pursuance of a contract of employment,—

(*i*) in respect of persons other than passengers carried for hire or reward, a limit of fifty thousand rupees in all;

(*ii*) in respect of passengers,—

(*1*) a limit of fifty thousand rupees in all where the vehicle is registered to carry not more than thirty passengers;

(*2*) a limit of seventy-five thousand rupees in all where the vehicle is registered to carry more than thirty but not more than sixty passengers;

(*3*) a limit of one lakh rupees in all where the vehicle is registered to carry more than sixty passengers; and

(4) subject to the limits aforesaid, ten thousand rupees for each individual passenger where the vehicle is a motor cab, and five thousand rupees for each individual passenger in any other case;

(c) save as provided in clause (d), where the vehicle is a vehicle of any other class, the amount of liability incurred;

(d) irrespective of the class of the vehicle, a limit of rupees two thousand in all in respect of damage to any property of a third party.".

Insertion of new section 95AA.

55. After section 95A of the principal Act, the following section shall be inserted, namely:—

Security to be deposited by insurers.

"95AA. (1) In addition to the deposits required to be made under section 7 of the Insurance Act, 1938, every insurer who is competent to issue a policy of insurance in accordance with this Chapter, shall deposit and keep deposited with the Reserve Bank of India or the State Bank of India, a sum of rupees thirty thousand as security for the due discharge of any liability covered by a policy of insurance issued in accordance with the provisions of this Chapter.

4 of 1938.

(2) Any sum deposited under sub-section (1) shall be deemed to be part of the assets of the insurer but shall not be susceptible of any assignment or charge nor shall it be liable to any attachment in execution of any decree except for meeting the claims arising in respect of a policy of insurance issued after complying with the requirements of this Chapter.

(3) Where, on an application made to it in this behalf, any Court or Claims Tribunal, which has made an award for compensation under this Act, is satisfied—

(i) that the applicant has exhausted all other remedies open to him to recover his dues from the insurer, or

(ii) that the award has been made after the insurer has gone into liquidation,

it may direct the payment of such compensation from out of the sum deposited under sub-section (1):

Provided that in the case of the insolvency of the insurer—

(a) such payment shall not be made until all claims under this Act against the insurer have been settled; and

(*b*) payment so made shall be proportionate to the amount of compensation allowed in each case.".

Insertion of new section 103A.

56. After section 103 of the principal Act, the following section shall be inserted, namely:—

Transfer of certificate of insurance.

"103A. (*1*) Where a person in whose favour the certificate of insurance has been issued in accordance with the provisions of this Chapter proposes to transfer to another person the ownership of the motor vehicle in respect of which such insurance was taken together with the policy of insurance relating thereto, he may apply in the prescribed form to the insurer for the transfer of the certificate of insurance and the policy described in the certificate in favour of the person to whom the motor vehicle is proposed to be transferred, and if within fifteen days of the receipt of such application by the insurer, the insurer has not intimated the insured and such other person his refusal to transfer the certificate and the policy to the other person, the certificate of insurance and the policy described in the certificate shall be deemed to have been transferred in favour of the person to whom the motor vehicle is transferred with effect from the date of its transfer.

(*2*) The insurer to whom any application has been made under sub-section (*1*) may refuse to transfer to the other person the certificate of insurance and the policy described in that certificate if he considers it necessary so to do, having regard to—

(*a*) the previous conduct of the other person,—

(*i*) as a driver of motor vehicles; or

(*ii*) as a holder of the policy of insurance in respect of any motor vehicle; or

(*b*) any conditions which may have been imposed in relation to any such policy held by the applicant; or

(*c*) the rejection of any proposal made by such other person for the issue of a policy of insurance in respect of any motor vehicle owned or possessed by him.

(*3*) Where the insurer has refused to transfer, in favour of the person to whom the motor vehicle has been transferred, the certificate of insurance and the policy described in that certificate, he shall refund to such transferee the amount, if any, which, under the terms of the policy, he would have had to refund to the insured for the unexpired term of such policy.".

Amendment of section 110.

57. In section 110 of the principal Act, in sub-section (*1*), for the words "motor vehicles", the following words shall be substituted, namely:—

"motor vehicles, or damages to any property of a third party so arising, or both:

Provided that where such claim includes a claim for compensation in respect of damage to property exceeding rupees two thousand, the claimant may, at his option, refer the claim to a civil court for adjudication, and where a reference is so made, the Claims Tribunal shall have no jurisdiction to entertain any question relating to such claim.".

Amendment of section 110A.

58. In section 110A of the principal Act,—

(*a*) in sub-section (*1*),—

(*i*) in clause (*b*), for the words "by the legal representatives", the words "by all or any of the legal representatives" shall be substituted;

(*ii*) in clause (*c*), for the words "or the legal representatives", the words "or all or any of the legal representatives" shall be substituted;

(*iii*) the following proviso shall be inserted at the end, namely:—

"Provided that where all the legal representatives of the deceased have not joined in any such application for compensation, the application shall be made on behalf of or for the benefit of all the legal representatives of the deceased and the legal representatives who have not so joined, shall be impleaded as respondents to the application.";

(*b*) in sub-section (*3*), for the words "sixty days", wherever they occur, the words "six months" shall be substituted.

Insertion of new section 110 AA.

59. After section 110A of the principal Act, the following section shall be inserted, namely:—

Option regarding claims for compensation in certain cases.

"110AA. Notwithstanding anything contained in the Workmen's Compensation Act, 1923, where the death of or bodily injury to any person gives rise to a claim for compensation under this Act and also under the Workmen's Compensation Act, 1923, the person entitled to compensation may claim such compensation under either of those Acts but not under both.". 8 of 1923.

Amendment of section 110B.

60. In section 110B of the principal Act, after the words "the insurer", the words "or owner or driver of the vehicle involved in the accident or by all or any of them, as the case may be." shall be inserted.

Amendment of section 110C.

61. In section 110C of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

"(2A) Where in the course of any inquiry, the Claims Tribunal is satisfied that—

(i) there is collusion between the person making the claim and the person against whom the claim is made, or

(ii) the person against whom the claim is made has failed to contest the claim,

it may, for reasons to be recorded by it in writing, direct that the insurer who may be liable in respect of such claim, shall be impleaded as a party to the proceeding and the insurer so impleaded shall thereupon have the right to contest the claim on all or any of the grounds that are available to the person against whom the claim has been made.".

Insertion of new sections 110CC and 110CCC.

62. After section 110C of the principal Act, the following sections shall be inserted, namely:—

Award of interest where any claim is allowed.

"110CC. Where any Court or Claims Tribunal allows a claim for compensation made under this Chapter, such Court or Tribunal may direct that in addition to the amount of compensation simple interest shall also be paid at such rate and from such date not earlier than the date of making the claim as it may specify in this behalf.

Award of compensatory costs in certain cases.

110CCC. (1) Any Court or Claims Tribunal adjudicating upon any claim for compensation under this Act, may in any case where it is satisfied for reasons to be recorded by it in writing that—

(i) the policy of insurance is void on the ground that it was obtained by representation of fact which was false in any material particular, or

(ii) any party or insurer has put forward a false or vexatious claim or defence,

such Court or Tribunal may make an order for the payment, by the party who is guilty of mis-representation or by whom

such claim or defence has been put forward, of special costs by way of compensation to the insurer or, as the case may be, to the party against whom such claim or defence has been put forward.

(2) No Court or Claims Tribunal shall pass an order for special costs under sub-section (1) for any amount exceeding rupees one thousand.

(3) No person or insurer against whom an order has been made under this section shall, by reason thereof be exempted from any criminal liability in respect of such mis-representation, claim or defence as is referred to in sub-section (1).

(4) Any amount awarded by way of compensation under this section in respect of any mis-representation, claim or defence, shall be taken into account in any subsequent suit for damages for compensation in respect of such mis-representation, claim or defence.".

Amendment of section 110E.

63. In section 110E of the principal Act, for the words "an insurer", the words "any person" shall be substituted.

Amendment of section 111A.

64. In section 111A of the principal Act, in clause (*d*), after the words "the manner in which", the words and brackets "and the fees (if any) on payment of which," shall be inserted.

Insertion of new section 113A.

65. After section 113 of the principal Act, the following section shall be inserted, namely:—

Allowing unauthorised persons to drive vehicles.

"113A. Whoever, being the owner or person in charge of a motor vehicle, causes, or permits, any person who does not satisfy the provisions of section 3 of section 4, to drive the vehicle shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.".

Amendment of section 115.

66. In section 115 of the principal Act,—

(*i*) in sub-section (1), for the words "one hundred rupees", the following words shall be substituted, namely:—

"two hundred rupees, or, if having been previously convicted of an offence under this sub-section is again convicted of an offence under this sub-section, with fine which may extend to five hundred rupees";

(*ii*) in sub-section (*2*), for the words "two hundred rupees" the following words shall be substituted, namely:—

"three hundred rupees, or, if having been previously convicted of an offence under this sub-section is again convicted of an offence under this sub-section, with fine which may extend to five hundred rupees".

Amendment of section 123.

67. In section 123 of the principal Act, in sub-section (*1*),—

(*i*) after the words "for which the vehicle may be used", the words "or to the maximum number of passengers and maximum weight of luggage that may be carried on the vehicle" shall be inserted;

(*ii*) for the words "a subsequent offence if committed within three years of the commission of a previous similar offence", the words "any second or subsequent offence" shall be substituted;

(*iii*) in the proviso, after the words "any such", the words "second or" shall be inserted.

Insertion of new section 123A.

68. After section 123 of the principal Act, the following section shall be inserted, namely:—

Punishment of agents and canvassers without proper authority.

"123A. Whoever engages himself as an agent or canvasser in contravention of the provisions of section 66A or any rules made thereunder shall be punishable for the first offence with fine which may extend to one thousand rupees and for any second or subsequent offence with imprisonment which may extend to six months, or with fine which may extend to two thousand rupees, or with both:

Provided that no court shall, except for reasons to be recorded by it in writing, impose a fine of less than five hundred rupees for any such second or subsequent offence.".

Amendment of section 124.

69. In section 124 of the principal Act, for the words and figures "section 72 or of the conditions of any permit issued thereunder, or in contravention of any prohibition or restriction imposed under section 74 shall be punishable", the words and figures "section 72 or of the conditions prescribed under that section, or in contravention of any prohibition or restriction imposed under section 72 or section 74, shall be punishable" shall be substituted.

Amendment of section 129A.

70. To section 129A of the principal Act, the following proviso shall be added, namely:—

"Provided that where any such officer or person has reason to believe that a motor vehicle has been or is being used with-

out the permit required by sub-section (*1*) of section 42, he may, instead of seizing the vehicle, seize the certificate of registration of the vehicle and shall issue an acknowledgment in respect thereof.".

Amendment of section 130.

71. In section 130 of the principal Act, for sub-section (*1*), the following sub-section shall be substituted, namely:—

"(*1*) The court taking cognizance of an offence under this Act,—

(*i*) may, if the offence is an offence punishable with imprisonment under this Act, and

(*ii*) shall, in any other case,

state upon the summons to be served on the accused person that he—

(*a*) may appear by pleader and not in person, or

(*b*) may, by a specified date prior to the hearing of the charge plead guilty to the charge by registered letter and remit to the court such sum (not exceeding the maximum fine that may be imposed for the offence) as the court may specify:

Provided that nothing in this sub-section shall apply to any offence specified in Part A of the Fifth Schedule."

Insertion of new section 131A.

72. After section 131 of the principal Act, the following section shall be inserted, namely:—

Courts to send intimations about conviction.

"131A. Every court by which any person holding a driving licence is convicted of an offence under this Act or of an offence in the commission of which a motor vehicle was used, shall send intimation to—

(*a*) the licensing authority which issued the driving licence, and

(*b*) the licensing authority by whom the licence was last renewed,

and every such intimation shall state the name and address of the holder of the licence, the licence number, the date of issue and renewal of the same, the nature of the offence, the punishment awarded for the same and such other particulars as may be prescribed.".

Insertion of new section 132A.

73. In Chapter X of the principal Act, before section 133, the following section shall be inserted, namely:—

Power to levy fee.

"132A. Any rule which the Central Government or the State Government is empowered to make under this Act may, notwithstanding the absence of any express provision to that effect, provide for the levy of such fees in respect of applications, amendment of documents, issue of certificates, licences, permits, tests, endorsements, badges, plates, counter-signatures authorisation, supply of statistics or copies of documents or orders and for any other purpose or matter involving the rendering of any service by the officers or authorities under this Act or any rule made thereunder as may be considered necessary:

Provided that the Government may, if it considers necessary so to do, in the public interest, by general or special order, exempt any class of persons from the payment of any such fee either in part or in full.".

Amendment of section 133A.

74. In section 133A of the principal Act, after sub-section (3), the following sub-sections shall be inserted, namely:—

"(4) In addition to the powers that may be conferred on any officer of the Motor Vehicles Department under sub-section (3), such officer as may be empowered by the State Government in this behalf shall also have the power to,—

(*a*) make such examination and inquiry as he thinks fit in order to ascertain whether the provisions of this Act and the rules made thereunder are being observed;

(*b*) with such assistance, if any, as he thinks fit, enter, inspect and search any premises which is in the occupation of a person who, he has reason to believe, has committed an offence under this Act or in which a motor vehicle in respect of which such offence has been committed is kept:

Provided that—

(*i*) any such search without a warrant shall be made only by an officer of the rank of a gazetted officer;

(*ii*) where the offence is punishable with fine only the search shall not be made after sunset and before sunrise;

(*iii*) where the search is made without a warrant, the gazetted officer concerned shall record in writing the grounds for not obtaining a warrant and report to his immediate superior that such search has been made;

(*c*) examine any person and require the production of any register or other document maintained in pursuance of this Act, and take on the spot or otherwise statements of any person which he may consider necessary for carrying out the purposes of this Act;

(*d*) seize or take copies of any registers or documents or portions thereof as he may consider relevant in respect of an offence under this Act which he has reason to believe has been committed;

(*e*) launch prosecutions in respect of any offence under this Act and to take a bond for ensuring the attendance of the offender before any court;

(*f*) exercise such other powers as may be prescribed:

Provided that no person shall be compelled under this sub-section to answer any question or make any statement tending to incriminate himself.

5 of 1898. (5) The provisions of the Code of Criminal Procedure, 1898 shall, so far as may be, apply to any search or seizure under this section as they apply to any search or seizure under the authority of any warrant issued under section 98 of that Code.".

Amendment of section 134.

75. In section 134 of the principal Act, after sub-section (*1*), the following sub-section shall be inserted, namely:—

"(*1A*) Notwithstanding anything contained in sub-section (*1*), if an application made by a person for the renewal of permit has been rejected by the original authority and such person has preferred an appeal or made an application for revision under this Act against such rejection, the appellate authority or, as the case may be, the revisional authority may by order direct that the permit shall, notwithstanding the expiration of the term specified therein, continue to be valid until the appeal or application for revision is disposed of.".

Insertion of new section 135.

76. After section 134 of the principal Act, the following section shall be inserted, namely:—

Repeal and savings.

"135. (*1*) The enactments specified in the Twelfth Schedule are hereby repealed to the extent mentioned therein.

(2) Notwithstanding the repeal of any enactment by this section,—

(*a*) any notification, rule, regulation, order or notice issued, or any appointment or declaration made, or any licence, permission or exemption granted, or any confiscation made, or any penalty or fine imposed, or any forfeiture, cancellation or discharge of any bond ordered, or any other thing done, or any other action taken under the repealed enactment, shall, so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provision of this Act;

(*b*) any document referring to any enactment hereby repealed, or to any provision thereof, shall be construed as referring to this Act or to the corresponding provision of this Act.

(3) Any penalty payable under any repealed enactment may be recovered in the manner provided by or under this Act but without prejudice to any action already taken for the recovery of such penalty under the repealed enactment.

(4) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897, with regard to the effect of repeals.". 10 of 1897.

Amendment of First Schedule.

77. In the First Schedule to the principal Act,—

(*a*) in Form A, in Part III,—

(*i*) in paragraph (b), after the words "with each eye", the following brackets and words shall be inserted, namely:—

"(or if you have held a licence to drive a motor vehicle for a period of not less than five years and if you have lost sight of one eye after the said period of five years and if the application is for driving a light motor vehicle, other than a transport vehicle, fitted with an outside mirror on the steering wheel side, with one eye)";

(*ii*) in paragraph (f), after the words "unable to hear", the brackets and words "(and if the application is for driving a light motor vehicle, with or without hearing aid)" shall be inserted;

(*b*) in Form AA, for the words "I hereby", the following words "I, Shri|Shrimati|Kumari....., hereby" shall be substituted;

(*c*) in Form B,—

(*i*) below the heading *"Form of application for the renewal of driving licence"*, the figures "I" shall be inserted;

(*ii*) for the words "I hereby apply", the words "I, Shri|Shrimati|Kumari....., hereby apply" shall be substituted;

(*iii*) for the words beginning with "I hereby declare" and ending with "danger to the public", the following figures, words, brackets and letters shall be substituted, namely:—

'II

Declaration as to physical fitness of the applicant

(The applicant is required to answer "yes" or "no" in the space provided opposite each question.)

(*a*) Do you suffer from epilepsy, or from sudden attacks of disability, giddiness or fainting?

(*b*) Are you able to distinguish with each eye (or if you have held a licence to drive a motor vehicle for a period of not less than five years and if you have lost sight of one eye after the said period of five years and if the application is for driving a light motor vehicle, other than a transport vehicle, fitted with an outside mirror on the steering wheel side, with one eye), at a distance of 25 metres in good day light (with glasses, if worn), a motor car number plate containing seven letters and figures?

(*c*) Have you lost either hand or foot or are you suffering from any defect in movement, control or muscular power of either arm or leg?

(*d*) Can you readily distinguish pigmentary colours red and green?

(*e*) Do you suffer from night blindness?

(*f*) Are you so deaf as to be unable to hear (and if you are an applicant for the renewal of a driving licence in respect of light motor vehicle with or without hearing-aid) the ordinary sound signals?

(*g*) Do you suffer from any other disease or disability likely to cause your driving of a motor vehicle to be a source of danger to the public?

I declare that to the best of my knowledge and belief, the particulars given in Section I and the declaration made in Section II hereof are true.

NOTE 1.— An applicant who answers "yes" to any of the questions (*a*), (*c*), (*e*), (*f*) and (*g*) or "no" to either of the questions (*b*) and (*d*) should amplify his answer with full particulars and may be required to give further information relating thereto.

NOTE 2.—An applicant who answers "yes" to questions (*b*), (*c*) and (*d*) in the declaration and "no" to the other questions may claim to be subjected to a test as to his competency to drive vehicles of a specified class or classes.

NOTE 3.—An application for renewal of a driving licence to drive as a paid employee or to drive a transport vehicle or where in any other case the original licence was issued on production of a medical certificate, shall be accompanied by a medical certificate in Form C.';

(*d*) in Form C, in sub-paragraph (*d*) of paragraph 4, after the word "hearing", the brackets and words "(and in the case of an applicant for a licence to drive a light motor vehicle, with or without hearing-aid)" shall be inserted;

(*e*) in Form D,—

(*i*) for the expression "son/daughter of (father's name)", the expression "wife/son/daughter of" shall be substituted;

(*ii*) for the words "He is", the expression "He/She is" shall be substituted;

(*f*) in Form E,—

(*i*) in item 1, for the words "or husband", the words and brackets "and husband (in the case of a married woman)" shall be substituted;

(*ii*) after item 7, the following item shall be inserted, namely:—

"7A. Cubic capacity.....";

(*iii*) after item 10, the following item shall be inserted, namely:—

"10A. Fuel used in the engine.....";

(*iv*) for item 15, the following item shall be substituted, namely:—

"15. Maximum laden weight—

(*a*) as certified by the manufacturer....Kgms.

(*b*) to be registered.....Kgms.";

(*v*) the *Explanation* shall be omitted;

(*vi*) for the Note, the following Note shall be substituted, namely:—

"NOTE.—The motor vehicle above described is—

(*i*) subject to a hire-purchase agreement with....;

(*ii*) subject to a hypothecation in favour of.....;

(*iii*) not held under hire-purchase agreement or subject to any mortgage.

(Strike out whatever is not applicable and, if the motor vehicle is subject to hire-purchase agreement or hypothecation, obtain the signature of the hire-purchase company or the mortgagee, as the case may be.)";

(*vii*) for the words "*Signature of the Hire Purchase Company.*", the following expression shall be substituted:—

"*Signature of* $\frac{\textit{Hire-purchase Company.}}{\textit{Mortgagee.}}$";

(*g*) in Form G,—

(*i*) in line 8, for the words "or husband", the words and brackets "and husband (in the case of a married woman)" shall be substituted;

(*ii*) after item 7, the following item shall be inserted, namely:—

"7A. Fuel used in the engine.....";

(*iii*) after item 8, the following item shall be inserted, namely:—

"8A. Cubic capacity.....";

(*iv*) for item 12, the following item shall be substituted, namely:—

"12. Maximum laden weight—

(*a*) as certified by the manufacturer....Kgms.

(*b*) as registered.....Kgms.";

(*v*) for the Note, the following Note shall be substituted, namely:—

"NOTE.—The motor vehicle above described is—

(*i*) subject to a hire-purchase agreement with....;

(*ii*) subject to a hypothecation in favour of.....;".

Amendment of Second Schedule.

78. In the Second Schedule to the principal Act,—

(*i*) in paragraph 4, after the words "with each eye", the following brackets and words shall be inserted, namely:—

"(or in the case of a person who has held a licence to drive a motor vehicle for a period of not less than five years and lost sight of one eye after the said period of five years and has applied for a licence to drive a light motor vehicle, other than a transport vehicle, with one eye)";

(*ii*) in paragraph 5, after the word "hearing", the words "or in the case of a person who has applied for a licence to drive a light motor vehicle, with or without hearing-aid" shall be inserted.

Substitution of Third Schedule.

79. For the Third Schedule to the principal Act, the following Schedule shall be substituted, namely:—

"THE THIRD SCHEDULE

[*See* sections 7(*6*) and 17(*6*)]

TEST OF COMPETENCE TO DRIVE

PART I

The candidate shall satisfy the person conducting the test that he is able to—

(*1*) start the engine of the vehicle;

(*2*) move away straight ahead and at an angle, while at the same time engaging the first and intermediate gears until the top gear is reached;

(*3*) change down to the lower gear quickly from the top gear when the traffic conditions warrant such change;

(*4*) overtake, allow to be overtaken, meet or cover the path of other vehicles and take an appropriate course with proper caution giving appropriate signals;

(*5*) turn right and left corners correctly;

(*6*) stop the vehicle in an emergency and normally and in the latter case bring it to rest at an appropriate course of the road;

(*7*) drive the vehicle backwards and whilst so doing enter a limited opening to the right and left;

(*8*) cause the vehicle to face in the opposite direction by means of forward and reverse gears;

(*9*) give by hand and by mechanical means (if fitted to the vehicle), or, in the case of a disabled driver for whom it is impracticable or undesirable to give signals by hand, by mechanical means in a clear and unmistakable manner, appropriate signals at appropriate times to indicate his intended actions;

(*10*) act correctly and promptly on all signals given by traffic signs, automatic traffic lights, traffic police or other authorised persons and take appropriate notice of signs given by other road users;

(*11*) demonstrate general control of the vehicle by confident steering and smooth gear changing and braking as and when necessary;

(*12*) to change quickly to lower gear while driving downhill;

(*13*) to stop and re-start the vehicle on a steep upward incline making proper use of the handbrake or of the throttle and the footbrake without any rolling back.

NOTE. (*i*)—Requirements (*7*) and (*8*) are not applicable in the case of a motor cycle or a tri-cycle not equipped with means for reversing;

(*ii*) Requirements (*7*), (*8*) and (*9*) are not applicable in the case of invalid carriages.

PART II

The candidate shall satisfy the person conducting the test that he is—

(*1*) cognizant of the provisions of sections 81, 82, 83, 84 and 85 and of the Tenth Schedule;

(2) conversant with the general traffic rules and regulations relating to the use of lights, speeding, parking, stopping the vehicle in an emergency, accidents, production of documents, right of way, controlled and uncontrolled pedestrian crossings, meaning of light signals (amber, red and green), overtaking, taking a "U" turn, silence zones, one-way traffic, driving on channelised roads and other relevant matters;

(3) aware of the meaning of the traffic signs specified in the Ninth Schedule;

(4) not so deaf as to be unable to hear (or in the case of a person who has applied for a licence to drive a light motor vehicle with or without hearing-aid), the ordinary sound signals. (This shall not apply to a person who has produced a medical certificate in Form C.);

(5) able to distinguish with each eye (or in the case of a person who has held a licence to drive a motor vehicle for a period of not less than five years and lost sight of one eye after the said period of five years and has applied for a licence to drive a light motor vehicle, other than a transport vehicle, fitted with an outside mirror on the steering wheel side, with one eye) at a distance of 25 metres in good day light (with glasses if worn) a motor car number plate containing seven letters and figures. (This shall not apply to a person who has produced a medical certificate in Form C.)'.

Substitution of Sixth Schedule.

80. For the Sixth Schedule to the principal Act, the following Schedule shall be substituted, namely:—

"THE SIXTH SCHEDULE

[*See* sections 24(3) and 29(2)]

REGISTRATION MARKS

One of the groups of letters specified in the second column followed by any other letter shall be used as the registration mark for a vehicle in the State specified in the first column.

1	2
Andhra Pradesh	AP, AA
Assam	AS
Bihar	BR, BH
Guiarat	GJ, GT
Haryana	HR, HY

1	2
Jammu and Kashmir	JK
Kerala	KL
Madhya Pradesh	MP, CP
Maharashtra	MR, MH
Mysore	MY, ME
Nagaland	NL
Orissa	OR, OS
Punjab	PN, PU
Rajasthan	RJ, RS
Tamil Nadu	TN, TM
Uttar Pradesh	UP, US, UT
West Bengal	WB, WG, WM
Chandigarh	CG, CH
Delhi	DL, DH
Goa, Daman and Diu	GD
Himachal Pradesh	HI, HP
Manipur	MN
Pondicherry	PY, PD
Tripura	TR
Andaman and Nicobar Islands	AN
Laccadive, Minicoy and Amindivi Islands	LC, MA.

NOTE 1.—These letters shall be followed by not more than four figures, and the letters and figures shall be shown—

1. In the case of transport vehicles.	In black on a white ground.
2. In the case of temporary registrations (section 25).	In red on a yellow ground.
3. In the case of registration marks allotted to dealers [section 41 (2) (k)].	In white on a red ground
4. In other cases.	In white on a black ground.

NOTE 2.—In respect of the Maharashtra State, the letters BM, BY may continue to be used in respect of vehicles which were registered before the 1st October, 1961.".

Substitution of Eighth Schedule.

81. For the Eighth Schedule to the principal Act, the following Schedule shall be substituted, namely:—

"THE EIGHTH SCHEDULE

(*See* section 71)

LIMITS OF SPEED FOR MOTOR VEHICLES

Class of vehicle	Maximum speed per hour in Kilometres
(*1*) If all the wheels of the vehicle are fitted with pneumatic tyres and the vehicle is not drawing a trailer :—	
(*a*) if the vehicle is a light motor vehicle or a motor cycle	No limit.
(*b*) if the vehicle is a medium or heavy passenger motor vehicle	60
(*c*) if the vehicle is a medium or heavy goods motor vehicle	60
(*2*) If the vehicle is an articulated vehicle (all the wheels of which are fitted with pneumatic tyres) which is a heavy motor vehicle .	50
(*3*) If the vehicle is drawing not more than one trailer (or in the case of artillery equipment, not more than two trailers) and all the wheels of that vehicle and the trailer are fitted with pneumatic tyres :—	
(*a*) if the vehicle is a light motor vehicle and the trailer being two-wheeled has a laden weight not exceeding 800 kgms. . .	60
(*b*) if the vehicle is a light motor vehicle and the trailer has more than two wheels or a laden weight exceeding 800 kgms. . . .	50
(*c*) if the vehicle is a medium motor vehicle .	50
(*d*) if the vehicle is a heavy motor vehicle .	40
(*e*) if the vehicle is a heavy motor vehicle used by the fire brigade	50
(*4*) Any case not covered by entry (*1*), (*2*) or (3)	30".

82. After the Eleventh Schedule to the principal Act, the following Schedule shall be inserted, namely:— Insertion of new Schedule.

"THE TWELFTH SCHEDULE

(*See* section 135)

REPEAL OF CERTAIN ENACTMENTS

Serial No.	Short title	Extent of repeal
1	2	3
1.	Motor Vehicles (Andhra Pradesh) (Andhra Area) Amendment Act, 1948 (20 of 1948) .	The whole except sections 1 and 12.
2.	Motor Vehicles (Andhra Pradesh) (Telangana Area) Amendment Act, 1956 (45 of 1956) .	The whole.
3.	Assam State Road Transport Act, 1954 (30 of 1954)	The whole.
4.	Assam State Road Transport (Amendment) Act, 1955 (18 of 1955)	The whole.
5.	Motor Vehicles (Bihar Amendment) Act, 1949 (27 of 1950)	The whole except sections 1 and 3.
6.	Motor Vehicles (Bihar Amendment) Act, 1953 (1 of 1954)	The whole.
7.	Motor Vehicles (Madras Amendment) Act, 1948 as applicable to Kerala (20 of 1948) .	The whole except sections 1 and 3.
8.	Motor Vehicles (Madras Amendment) Act, 1949 as applicable to Kerala (44 of 1949) .	The whole.
9.	Motor Vehicles (Madras Amendment) Act, 1954 as applicable to Kerala (39 of 1954) .	The whole.
10.	Motor Vehicles (Madras Amendment) Act, 1948 (20 of 1948)	The whole except sections 1, 3 and 5.
11.	Motor Vehicles (Madras Amendment) Act, 1949 (44 of 1949)	The whole.
12.	Motor Vehicles (Madras Amendment) Act, 1954 (39 of 1954)	The whole except sections 1 and 2.
13.	Motor Vehicles (Madras Amendment) Act, 1957 (19 of 1957)	The whole.
14.	Central Provinces and Berar Motor Vehicles (Amendment) Act, 1947 as applicable to Madhya Pradesh (3 of 1948) . . .	The whole.

1	2	3
15.	Motor Vehicles (Bombay Amendment) Act, 1947 (7 of 1947)	The whole
16.	Central Provinces and Berar Motor Vehicles (Amendment) Act, 1947 as applicable to Maharashtra (3 of 1947)	The whole.
17.	Motor Vehicles (Bombay Amendment) Act, 1954 (31 of 1954)	The whole.
18.	Motor Vehicles (Hyderabad Amendment) Act, 1956 as applicable to Maharashtra (55 of 1956)	The whole.
19.	Motor Vehicles (Mysore Amendment) Act, 1953 (14 of 1953).	The whole.
20.	Motor Vehicles (Mysore Amendment) Act, 1955 (16 of 1955)	The whole.
21.	Motor Vehicles (Bombay Amendment) Act, 1947 as applicable to Mysore (7 of 1947) .	The whole.
22.	Motor Vehicles (Bombay Amendment) Act, 1954 as applicable to Mysore (31 of 1954) .	The whole.
23.	Motor Vehicles (Hyderabad Amendment) Act, 1956 as applicable to Mysore (45 of 1956). .	The whole.
24.	Motor Vehicles (Madras Amendment) Act, 1948 as applicable to Mysore (20 of 1948) .	The whole.
25.	Motor Vehicles (Madras Amendment) Act, 1949 as applicable to Mysore (45 of 1949) .	The whole.
26.	Orissa Motor Vehicles (Amendment) Act, 1948 (1 of 1949)	The whole.
27.	Orissa Motor Vehicles (Regulation of State Carriage and Public Carrier's Services) Act, 1947 (36 of 1947)	The whole.
28.	Orissa Motor Vehicles (Regulation of State Carriage and Public Carrier's Services) Amendment Act, 1951 (41 of 1951) . .	The whole.
29.	Motor Vehicles (East Punjab Amendment) Act, 1948 (28 of 1948)	The whole except sections 1, 3, 4 and 10.
30.	Motor Vehicles (United Provinces Amendment) Act, 1948 (11 of 1948) . . .	The whole.
31.	Motor Vehicles (Uttar Pradesh Amendment) Act, 1953 (28 of 1953)	The whole.

1	2	3
32.	Uttar Pradesh Road Transport Services (Development) Act, 1955 (9 of 1955) . .	The whole except sections 1 and 14
33.	Motor Vehicles (West Bengal Amendment) Act, 1951 (19 of 1951) . . .	The whole.
34.	Motor Vehicles (Delhi Amendment) Act, 1954 (5 of 1954)	The whole.
35.	Himachal Pradesh State Road Transport Act, 1953 (5 of 1954) . . .	The whole

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